

# Alpine County Superior Court Local Rules

Effective January 1, 2007

Alpine County Superior Court  
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Hon. David L. DeVore  
Presiding Judge

Hon. Richard K. Specchio  
Judge

Lisa Cobourn  
Court Executive Officer  
Jury Commissioner

The following Rules 1.1 through 6.11, Rules of Court of the Superior Court of Alpine County, are adopted January 1, 2007, replacing the Rules of Court previously adopted by the Superior Court of Alpine County.

## TABLE OF RULES

LIST OF CURRENTLY EFFECTIVE RULES .....	4
General Information about the Alpine County Superior Court .....	6
CHAPTER 1: GENERAL COURT RULES .....	6
Rule 1. Construction of Rules; Failure to Comply .....	6
Rule 1.1. Citation of Rules .....	6
Rule 1.2. Construction of Rules.....	6
Rule 1.3. References to Court.....	6
Rule 1.4. Failure to Comply .....	7
CHAPTER 2: FAIRNESS AND ACCESS RULES .....	7
Rule 2. Fairness, Access, Facilities and Other Considerations for Persons with Disabilities .....	7
Rule 2.1. Fairness.....	7
Rule 2.2. Access.....	7
Rule 2.3. References to Counsel/Attorney .....	8
CHAPTER 3: OPERATIONAL RULES .....	8
Rule 3. General Matters Concerning Court Operation .....	8

## Alpine County Superior Court Local Rules

Rule 3.1. Regular Sessions of the Court, Calendars, and Assignment of Judges.....	8
Rule 3.2. Deviation from Regular Scheduling for Convenience.....	9
Rule 3.3. Long-Cause Matters – Special Setting.....	9
Rule 3.4. Assignment of Judges – Code of Civil Procedure 170.6.....	9
Rule 3.5. Ex Parte Applications.....	10
Rule 3.6. Jury Trial Sessions, Location, and Juror Availability.....	10
Rule 3.7. Court Reporters.....	10
Rule 3.8. Facsimile Filings and Service.....	11
CHAPTER 4: COURTROOM DECORUM.....	11
Rule 4. Courtroom Decorum.....	11
Rule 4.1. Attire.....	11
Rule 4.2. Talking in the Courtroom.....	11
Rule 4.3. Use of the Courtroom and Courthouse.....	12
Rule 4.4. Reacting to Proceedings.....	12
CHAPTER 5: CIVIL CASE RULES.....	12
Rule 5. Civil Case Management.....	13
Rule 5.1. Scope.....	13
Rule 5.2. Differential Case Management Generally.....	13
Rule 5.3. Service of Pleadings.....	13
Rule 5.4. Failure to File Responsive Pleadings, Extension of Time to Respond; Default and Default Judgment.....	14
Rule 5.5. Amendment of Pleadings.....	14
Rule 5.6. Case Management Conferences.....	14
Rule 5.7. Law and Motion; Proposed Orders.....	15
Rule 5.8. Setting Cases for Trial.....	16
Rule 5.9. Settlement Conferences.....	16
Rule 5.10. Jury Trial: Pretrial Management Conference, Motions in Limine.....	17
Rule 5.11. Working Copies of Motion Pleadings, Pretrial Management Conference Statements, Trial Briefs.....	18
Rule 5.12. Scheduling Calendar Dates.....	18
CHAPTER 6: CRIMINAL CASE RULES.....	19
Rule 6. Criminal Case Management.....	19
Rule 6.1. Disposition Goals.....	19
Rule 6.2. Filing of Accusatory Pleadings and Requests for Warrants.....	20
Rule 6.3. Hearings in Criminal Cases.....	21
Rule 6.4. Arraignment, Bail and Bail Review.....	21
Rule 6.5 Discovery and Investigation.....	24

## **Alpine County Superior Court Local Rules**

Rule 6.6. Pre-trial and Pre-preliminary Examination Conferences.....	26
Rule 6.7. Dispositive Pleas .....	27
Rule 6.8. Criminal Trials .....	29
Rule 6.9 Continuances; Special Appearances .....	30
Rule 6.10 Judgment & Sentencing/Probation.....	31
Rule 6.11. Working Copies of Motion Pleadings, Pretrial Management Conference Statements, Trial Briefs.....	33
SUBJECT INDEX .....	34

## Alpine County Superior Court Local Rules

### LIST OF CURRENTLY EFFECTIVE RULES

EFFECTIVE JANUARY 1, 2007

Rule		Effective Date	Revised Date
<b>Chapter 1. General Court Rules</b>			
1.1	Citation of Rules	01/01/2007	
1.2	Construction of Rules	01/01/2007	
1.3	Reference to Court	01/01/2007	
1.4	Failure to Comply	01/01/2007	
<b>Chapter 2. Fairness and Access Rules</b>			
2.1	Fairness	01/01/2007	
2.2	Access	01/01/2007	
2.3	Reference to Counsel/Attorney	01/01/2007	
<b>Chapter 3. Operational Rules</b>			
3.1	Regular Sessions of the Court, Calendars, and Assignment of Judges	01/01/2007	
3.2	Deviation from Regular Scheduling for Convenience	01/01/2007	
3.3	Long-Cause Matters – Special Setting	01/01/2007	
3.4	Assignment of Judges – Code of Civil Procedure 170.6	01/01/2007	
3.5	Ex Parte Applications	01/01/2007	
3.6	Jury Trial Sessions, Location, and Juror Availability	01/01/2007	
3.7	Court Reporters	01/01/2007	
3.8	Facsimile Filings and Service	01/01/2007	
<b>Chapter 4. Courtroom Decorum</b>			
4.1	Attire	01/01/2007	
4.2	Talking in the Court	01/01/2007	
4.3	Use of the Courtroom and Courthouse	01/01/2007	
4.4	Reacting to Proceedings	01/01/2007	

## Alpine County Superior Court Local Rules

Rule		Effective Date	Revised Date
<b>Chapter 5. Civil Case Rules</b>			
5.1	Scope	01/01/2007	
5.2	Differential Case Management Generally	01/01/2007	
5.3	Service of Pleadings	01/01/2007	
5.4	Failure to File Responsive Pleadings, Extension of Time to Respond; Default and Default Judgment	01/01/2007	
5.5	Amendment of Pleadings	01/01/2007	
5.6	Case Management Conferences	01/01/2007	
5.7	Law and Motion; Proposed Orders	01/01/2007	
5.8	Setting Cases for Trial	01/01/2007	
5.9	Settlement Conferences	01/01/2007	
5.10	Jury Trial: Pretrial Management Conference, Motions in Limine	01/01/2007	
5.11	Working Copies of Motion Pleadings, Pretrial Management Conference Statements, Trial Briefs	01/01/2007	
5.12	Scheduling Calendar Dates	01/01/2007	
<b>Chapter 6. Criminal Case Rules</b>			
6.1	Disposition Goals	01/01/2007	
6.2	Filing of Accusatory Pleadings and Requests for Warrants	01/01/2007	
6.3	Hearings in Criminal Cases	01/01/2007	
6.4	Arraignment, Bail and Bail Review	01/01/2007	
6.5	Discovery and Investigation	01/01/2007	
6.6	Pre-trial and Pre-preliminary Examination Conferences	01/01/2007	
6.7	Dispositive Pleas	01/01/2007	
6.8	Criminal Trials	01/01/2007	
6.9	Continuances; Special Appearances	01/01/2007	
6.10	Judgment & Sentencing/Probation	01/01/2007	
6.11	Working Copies of Motion Pleadings, Pretrial Management Conference Statements, Trial Briefs	01/01/2007	

## **Alpine County Superior Court Local Rules**

### **GENERAL INFORMATION ABOUT THE ALPINE COUNTY SUPERIOR COURT**

The court is located in a remote mountain region which experiences severe winter weather resulting in hazardous driving conditions and road closure, and travel during other seasons is subject to lengthy delays due to road repair activities. The court will make accommodation for unforeseen circumstances making it unreasonably difficult to attend or timely appear for scheduled court sessions. However, all persons with business in the court must anticipate that such conditions may impede travel and are advised to plan accordingly for appearances and the attendance of witnesses. Consideration should be given to travel in advance of the day attendance is required; lodging is available but limited locally, and the Alpine County Chamber of Commerce may be contacted at 530-694-2475 for referral to local and regional facilities.

### **CHAPTER 1: GENERAL COURT RULES**

#### **Rule 1. Construction of Rules; Failure to Comply**

##### **Rule 1.1. Citation of Rules**

These rules shall be known and cited as the Alpine County Superior Court Local Rules; they are supplementary and subject to any and all rules adopted by the Judicial Council and statutes of this state. *(Adopted January 1, 2007)*

##### **Rule 1.2. Construction of Rules**

These rules shall be liberally construed to promote the orderly and efficient administration of justice. Unless otherwise dictated by context, definitions of terms found in the California Rules of Court shall control construction of terms in these rules. Hereinafter CRC refers to the California Rules of Court. *(Adopted January 1, 2007)*

##### **Rule 1.3. References to Court**

All references to “the court” or “this court” are to the Alpine County Superior Court. *(Adopted January 1, 2007)*

## **Alpine County Superior Court Local Rules**

### **Rule 1.4. Failure to Comply**

Failure to comply with any of these rules may result in the imposition of sanctions pursuant to CRC Rule 227, Code of Civil Procedure sections 177.5 and/or 575.2. *(Adopted January 1, 2007)*

## **CHAPTER 2: FAIRNESS AND ACCESS RULES**

### **Rule 2. Fairness, Access, Facilities and Other Considerations for Persons with Disabilities**

#### **Rule 2.1. Fairness**

To maintain integrity and impartiality of the judicial system the court will:

- (a) Insure that all proceedings are conducted so as to be fair and impartial to all participants.
- (b) Insure that all persons in and about the courtroom refrain from engaging in conduct that exhibits racial, gender, national origin, religious, or other forms of bias directed toward counsel, court personnel, witnesses, parties, jurors, or any other person or group.
- (c) Insure that all orders, rulings, or decisions are based on an objective balancing of competing rights and interests in consideration of applicable law, through the exercise of sound judgment and judicial discretion, without influence of race, gender, national origin, religion, or other form of bias.

*(Adopted January 1, 2007)*

#### **Rule 2.2. Access**

The courthouse is a historic building lacking in access and facilities to accommodate all persons with disabilities. Upon notice and request to accommodate a person with disability implicating access and/or facilities, sessions of the court will be moved to a suitable alternate location. Upon notice and request to accommodate persons with other disabilities, the court will provide such assistance or arrangement as may be appropriate. Any request for accommodation may be made by submitting to the court Judicial Council Form MC-410, or by telephone to the Court Executive Officer. *(Adopted January 1, 2007)*

## **Alpine County Superior Court Local Rules**

### **Rule 2.3. References to Counsel/Attorney**

All references to attorney or counsel shall also refer to self-represented persons and these rules shall apply equally to such persons. (*Adopted January 1, 2007*)

## **CHAPTER 3: OPERATIONAL RULES**

### **Rule 3. General Matters Concerning Court Operation**

#### **Rule 3.1. Regular Sessions of the Court, Calendars, and Assignment of Judges**

Regular sessions of the court are held Mondays and Tuesdays unless falling on an authorized court holiday, in which event the session will be held the next working day. Calendars will generally be as follows:

#### **Monday Calendar** **Department 1: Judge Richard K. Specchio**

9:00 AM      Traffic Arraignments  
                 Court Trials  
                 Trial DeNovo

10:00 AM    **All** Criminal Arraignments  
                 Misdemeanor and Felony Proceedings (Including pre-trial,  
                 pre-preliminary hearings, Preliminary Hearings, Motions)

3:00 PM      Juvenile Dependency (WIC 300)  
                 Child Support

#### **Department 2: Judge David L. DeVore**

1:00 PM      Fish and Game Arraignments  
                 Misdemeanor and Felony Proceedings (Including pre-trial,  
                 pre-preliminary hearings, Preliminary Hearings, Motions)

2:00 PM      Juvenile Delinquency (WIC 602)  
                 Probate



## Alpine County Superior Court Local Rules

### **Tuesday Calendar**

**Department 1: Judge Richard K. Specchio**  
**Department 2: Judge David L. DeVore**

9:00 AM Civil Limited, Civil Unlimited  
Unlawful Detainer  
Small Claims

*(Adopted January 1, 2007)*

### **Rule 3.2. Deviation from Regular Scheduling for Convenience**

In consideration of the court's remote location, the court will entertain requests for deviation from the schedule of Rule 3.1 for any given matter and/or for consolidation of multiple matters scheduled for different calendars on the same day. Such requests shall be made in open court at the time of setting or by written request, shall include agreement of all other parties, and shall be received by the court not later than two court days prior to the scheduled appearances. The preferred calendar for such matters is the afternoon calendar in Department 2. Sessions/calendars are subject to change in the discretion of the court. *(Adopted January 1, 2007)*

### **Rule 3.3. Long-Cause Matters – Special Setting**

Long-cause matters are those which are reasonably anticipated to consume more than ½ hour of hearing time and/or involve witness testimony. In any civil or criminal matter each party shall determine if a matter is reasonably to be long-cause, and if so shall so advise all other parties and seek a special setting from the clerk. *(Adopted January 1, 2007)*

### **Rule 3.4. Assignment of Judges – Code of Civil Procedure 170.6**

For purposes of Code of Civil Procedure 170.6 challenges, the assignment of judges of this court is as follows: All Department 1 cases are assigned to Judge Richard K. Specchio for all purposes. All Department 2 cases are assigned to Judge David L. DeVore for all purposes. Notwithstanding the assignment of a judge of this court to family law matters, such matters may be assigned to a Commissioner regularly engaged in the El Dorado Superior Court, South Lake Tahoe Session, pursuant to collaborative agreement between the two courts, and hearings will generally occur in that court. *(Adopted January 1, 2007)*

## **Alpine County Superior Court Local Rules**

### **Rule 3.5. Ex Parte Applications**

The court does not reserve a specific day or time for hearing of ex parte applications and such matters may be set by contacting the Clerk's office. At a minimum, notice shall be given as provided by the California Rules of Court and any applicable statute. This local rule does not apply to ex parte applications for domestic violence or civil harassment restraining orders, elder or dependent adult protective orders, applications in criminal proceedings for the confidential appointment of experts or investigators, or as otherwise provided by law. *(Adopted January 1, 2007)*

### **Rule 3.6. Jury Trial Sessions, Location, and Juror Availability**

Jury trials are regularly scheduled for a two week period each quarter of the year, the schedule of which for the following year will be available in the clerk's office on or about each October 1. Time requirements in criminal matters and other extraordinary circumstances may result in alternate scheduling. Jurors in the Bear Valley area are exempt from jury service during the winter months due to closure of Highway 4. Jurors are not subject to the one day service rule. In the event more than one matter is scheduled for trial at any given time, one may be held at another suitable facility within the county, or trailed as determined by the Presiding Judge. It is the responsibility of counsel and parties to determine the location of a particular trial and/or the trailing order by inquiry to the clerk's office. *(Adopted January 1, 2007)*

### **Rule 3.7. Court Reporters**

Generally, the court provides a court reporter in all criminal matters except infractions, juvenile proceedings under Welfare and Institutions Code sections 300 and 602, and all other matters where required by statute. In the event a reporter is unavailable (as by inclement weather, road closure, etc), upon consent of parties effort will be made to tape record proceedings and copies of such recordings and/or transcripts will be available upon request by persons who would be entitled to obtain an official transcript, upon payment of reasonable costs thereof (This is done as an accommodation only and will not constitute an official record). Any party desiring a court reporter in other matters, including civil law and motion and family law proceedings, shall arrange for the attendance and bear the cost of such reporter. The clerk's office will provide a list of reporters working in the region. *(Adopted January 1, 2007)*

## **Alpine County Superior Court Local Rules**

### **Rule 3.8. Facsimile Filings and Service**

**3.8.1.** Facsimile filing and service of documents shall comply with CRC 2001-2008, and these rules. Facsimile filings may not exceed twenty (20) pages, inclusive of attachments; transmissions not received in their entirety by 4:00 PM will be filed the following day. It is the responsibility of the party so filing to insure that time-sensitive filings have been entirely received so as to have been filed on a given day. *(Adopted January 1, 2007)*

**3.8.2.** Notwithstanding CRC 2007, the original of any document filed by facsimile shall be lodged with the court within 10 court days, and shall be placed in the file of the action with the corresponding facsimile filing bearing a notation that it is the original of the facsimile filing of the particular date and the date received. In the event of a discrepancy between the facsimile and the original, the facsimile shall control. *(Adopted January 1, 2007)*

## **CHAPTER 4: COURTROOM DECORUM**

### **Rule 4. Courtroom Decorum**

#### **Rule 4.1. Attire**

Attorneys shall be dressed in neat and appropriate business attire for all court appearances, and litigants, witnesses, and other persons attending court sessions shall dress in a manner that is neither offensive nor distracting to others of normal sensibilities. Allowance will be made for inclement weather which makes sensible the wearing of foul weather clothing. *(Adopted January 1, 2007)*

#### **Rule 4.2. Talking in the Courtroom**

Talking among persons in the courtroom during sessions is distracting and should be avoided; talking to clerks, among attorneys, between attorneys and clients, shall be minimized and, when necessary, occur so as to avoid disruption of or distraction to the proceedings. Counsel should avoid conversing with clients when the client is being addressed by the court. No person other than involved attorneys and court personnel shall communicate with a prisoner without leave of the court. *(Adopted January 1, 2007)*

## **Alpine County Superior Court Local Rules**

### **Rule 4.3. Use of the Courtroom and Courthouse**

**4.3.1.** It is the general policy of the court to permit attorneys and self-represented persons wide latitude in the use of the courtroom, including the well area between counsel tables and the bench. However, to minimize the potential for distraction and alleviate undue concern for security, persons desiring to move away from counsel table are encouraged to seek prior approval of the court to do so and to utilize the bailiff to transmit documents or objects to the court or the clerk. In prolonged proceedings blanket approval for free movement about the courtroom, including approach to witnesses may be sought by counsel. *(Adopted January 1, 2007)*

**4.3.2.** No weapon shall be handled, displayed or moved in the courtroom without, on each occasion, a prior specific request and approval of the court. *(Adopted January 1, 2007)*

**4.3.3.** Attorneys and self-represented persons shall direct witnesses called to testify to approach the clerk for administration of an oath. *(Adopted January 1, 2007)*

**4.3.4.** No attorney, self-represented person or witness in a proceeding shall approach or communicate with prospective or impaneled jurors, including alternates, touching on any subject of the pending matter or their potential or actual service as jurors, nor engage them in any conversation beyond a simple greeting. *(Adopted January 1, 2007)*

### **Rule 4.4. Reacting to Proceedings**

Persons in the courtroom shall not physically or audibly react with approval, disapproval, agreement, disagreement, pleasure, displeasure, or any other visible emotional display, to any testimony, statement of counsel, witnesses, or court personnel, or ruling of the court. *(Adopted January 1, 2007)*

## **CHAPTER 5: CIVIL CASE RULES**

## **Alpine County Superior Court Local Rules**

### **Rule 5. Civil Case Management**

#### **Rule 5.1. Scope**

This Rule applies to those matters and in the manner set forth in CRC 207 unless otherwise specified. *(Adopted January 1, 2007)*

#### **Rule 5.2. Differential Case Management Generally**

**5.2.1.** The court endeavors to achieve the disposition time goals set forth in CRC 209 (b). Generally, cases will be evaluated and given a designation as a Limited (CRC 209(b)(2)), Unlimited (A), (B), (C) (CRC 209(b)(1)), or Exempt Exceptional (CRC 209(e)) case not later than the Initial Case Management Conference. Any party desiring a particular designation may file a Differential Case Management Request for Designation or Exemption setting forth the reasons for the request in consideration of the factors set forth in CRC 210 and/or 1800 before or with the Initial Case Management Conference Statement or at such other time as circumstances may warrant. *(Adopted January 1, 2007)*

**5.2.2.** Pursuant to CRC 209(d), the court may designate a case as Expedited, in which event the disposition time goals set forth in that subsection apply. *(Adopted January 1, 2007)*

#### **Rule 5.3. Service of Pleadings**

**5.3.1.** When returning conformed copies of a complaint, or cross-complaint which names new parties, the clerk will also provide Notice of Initial Case Management Conference and blank Case Management Statement, both of which shall be served with the Summons and Complaint/Cross-Complaint. *(Adopted January 1, 2007)*

**5.3.2.** Within sixty (60) days of the filing of a complaint or a cross – complaint which names new parties, service of the action on adverse parties must be effected and proof of service filed with the court. The filing of an amended complaint pursuant to CCP 472 will begin anew the time for service. *(Adopted January 1, 2007)*

## **Alpine County Superior Court Local Rules**

### **Rule 5.4. Failure to File Responsive Pleadings, Extension of Time to Respond; Default and Default Judgment**

**5.4.1.** Unless an extension of time to respond is granted by the serving party as provided below, whenever any party served fails to respond within the time required by law the serving party shall, within 15 days thereafter, request entry of default, upon receipt of which the court will set a default hearing. In appropriate cases, declarations under CCP 585 may serve in lieu of personal appearance. In multi-defendant cases which are proceeding as to one or more parties, upon application and order of the court default hearings and judgments as to other parties who have not appeared need not be pursued until the entire matter is concluded. *(Adopted January 1, 2007)*

**5.4.2.** Any party serving pleadings may grant to the party served one extension of time to respond, for a period not to exceed thirty (30) days without leave of court. The party granting an extension forthwith shall advise the court in writing of the grant and the due date for response. *(Adopted January 1, 2007)*

**5.4.3.** Stipulations seeking to set aside a default shall include a proposed order which includes a directive that the responding party shall have fifteen (15) court days after the date the order is signed to respond. *(Adopted January 1, 2007)*

### **Rule 5.5. Amendment of Pleadings**

Motions to amend pleadings shall include a proposed order and proposed amended pleading designated as such for separate lodging with the Clerk. *(Adopted January 1, 2007)*

### **Rule 5.6. Case Management Conferences**

**5.6.1.** Case Management Conferences will be conducted pursuant to CRC 212. *(Adopted January 1, 2007)*

**5.6.2.** An Initial Case Management Conference will be set within approximately 150 days of the filing of an action, for a date set by the Clerk and given in the Notice of Initial Case Management Conference (except in the event a matter is designated as Expedited). Subsequent Conferences are

## **Alpine County Superior Court Local Rules**

subject to setting at any time in the discretion of the court. (*Adopted January 1, 2007*)

**5.6.3.** Case Management Statements shall be filed by all parties at least 5 days before a Conference, and in the event of multiple Conferences, shall accurately reflect all changes of circumstance since the last one. Pro forma Statements, preparation for and/or participation in Conferences are disfavored. (*Adopted January 1, 2007*)

**5.6.4.** Appearance by telephone for Case Management Conferences is permitted upon compliance with CRC 298(d), unless ordered otherwise by the court. In multiple party matters, the clerk shall designate the party responsible for linking all parties appearing by telephone. (*Adopted January 1, 2007*)

**5.6.5.** Short cause matters, as defined in CRC 214, are subject to exemption from Case Management Conference requirements upon order of the court. (*Adopted January 1, 2007*)

### **Rule 5.7. Law and Motion; Proposed Orders**

**5.7.1.** All motions shall include, in the Notice of Motion, an estimate of the amount of time the hearing will entail. Matters which will take 20 minutes or less may be set on any regular afternoon calendar, but will trail criminal and juvenile and all other matters previously set. Matters estimated to require more than 20 minutes will be specially set upon consultation with the Clerk before the motion is filed. The court does not regularly, but may, issue tentative decisions. Appearance by telephone for law and motion matters is permitted upon compliance with CRC 298(b) and (d), unless ordered otherwise by the court. Generally, parties appearing by telephone will not be permitted to argue, but will be asked by the court to respond to specific questions. (*Adopted January 1, 2007*)

**5.7.2.** All motions and opposition to motions shall be accompanied by a proposed form of order. In the case of motion for summary judgment/adjudication, a proposed order for the denial of the motion shall specify the factual issues believed by the opposing party to be necessary for determination by a jury. (*Adopted January 1, 2007*)

## **Alpine County Superior Court Local Rules**

### **Rule 5.8. Setting Cases for Trial**

Trials may be set upon the filing by any party of a Request for Trial Setting, to which other parties may respond within 10 court days, or at a Case Management Conference. Any such Request/Response shall estimate the number of days the matter reasonably is expected to take until the matter is submitted for decision. The Request shall indicate whether a jury or court trial is sought and shall include a statement that the proposed date has been confirmed by the Clerk as available and identify all other matters the Clerk has advised may be set on the same date. In the event of multiple settings, as an accommodation, the court will endeavor prior to the date set to establish an order of priority; however, such order of priority is subject to change at any time and it is the parties responsibility to ascertain that no change has taken place since a previous order of priority was established. The parties will be provided notice of trial by the Clerk pursuant to CRC 221. *(Adopted January 1, 2007)*

### **Rule 5.9. Settlement Conferences**

**5.9.1.** Except in short cause matters, approximately thirty (30) days before trial a mandatory settlement conference will be held. A settlement conference statement shall be filed pursuant to CRC 222 and shall advise all offers and counteroffers exchanged (pursuant to CCP 998 or otherwise) previously. Any party may submit a Confidential Addendum to the statement which will not be lodged in the file as a public document but will be kept under seal for use only by the settlement conference judge and not subject to inspection except upon order of the court. *(Adopted January 1, 2007)*

**5.9.2.** Each party appearing in the action must personally appear at the settlement conference, or, upon application and order of the court, be immediately available and subject to reach at all times until the conference is concluded or the party excused by the judge presiding. Corporate and public entity parties shall be represented by a responsible employee who is authorized to make decisions without limit, subject only to approval of a governing board which has ultimate authority to make such decisions, and representatives of insurance companies providing coverage to parties shall have settlement authority to the limits of the coverage. *(Adopted January 1, 2007)*



## **Alpine County Superior Court Local Rules**

### **Rule 5.10. Jury Trial: Pretrial Management Conference, Motions in Limine**

**5.10.1.** In the case of all jury trials, within approximately two weeks preceding the trial date there will be a Pretrial Management Conference which will include hearing on motions in limine. Motions in limine and responses shall be filed, respectively, at least ten days and three days before the conference. At least 10 days before the conference there shall be filed a Pretrial Management Conference Statement which includes the following:

- (1) Proposed statement of the case to be read to the jury; joint statements are encouraged.
- (2) Witnesses list, including estimated length of each witness's appearance and the anticipated order of witnesses.
- (3) Exhibit list with proposed numbering.
- (4) Succinct statement of the submitting party's factual and legal contentions, and points and authorities on anticipated evidentiary and/or substantive issues.
- (5) Agreed and proposed stipulations.
- (6) Proposed jury instructions and verdict forms. Counsel will be expected to have discussed both and in the conference statement shall identify the instructions to which there is agreement and those which are disputed. In each case where special verdicts or findings of the jury will be required, the party or parties who have requested jury shall present the form of any special verdicts or interrogatories which will be required for the resolution of the matter by the jury, and all other parties may present proposed alternatives thereto.
- (7) Any other matter thought to be helpful the orderly progress of the trial, or, alternatively, thought to be a potential impediment to the orderly progress of the trial.

*(Adopted January 1, 2007)*

**5.10.2.** The Pretrial Management Conference Statement may serve as a trial brief, unless the court orders otherwise. The conference shall be attended by all attorneys serving as chief trial counsel, who shall be thoroughly familiar with and prepared to discuss all aspects of the case, and whose appearance on behalf of associated counsel shall be binding on all.  
*(Adopted January 1, 2007)*

## **Alpine County Superior Court Local Rules**

**5.10.3.** Motions in limine will be heard and likely the subject of ruling at the conference, and after a ruling reconsideration shall occur only upon a showing of good cause. *(Adopted January 1, 2007)*

**5.10.4.** Any party who has requested a jury trial in a matter where the right thereto is not guaranteed by law, or has requested a jury trial wherein the jury will be requested to render an advisory verdict, or in any matter in which special interrogatories, findings, or verdicts will be required of the jury, shall present the form of any such interrogatories, findings, or verdicts at the conference. *(Adopted January 1, 2007)*

**5.10.5.** Initial jury fees shall be deposited with the Clerk no later than the Pretrial Management Conference, and subsequent day's fees paid at the outset of the second and successive days of jury trial in a sum sufficient to satisfy that day's fees and mileage. The failure to meet this obligation shall be construed as a waiver of jury, and if such a waiver is declared by the court the other parties shall have an opportunity to maintain the jury by assuming the continuing financial obligation. *(Adopted January 1, 2007)*

**5.10.6.** Counsel shall insure that the prospective jury pool and jury selected are not contaminated by contact with counsel, defendants, or witnesses when in or about the courthouse or otherwise. *(Adopted January 1, 2007)*

### **Rule 5.11. Working Copies of Motion Pleadings, Pretrial Management Conference Statements, Trial Briefs**

Any motion pleading, points and authorities, Pretrial Management Conference Statement, or trial brief consisting of eight or more pages, inclusive of attachments, when filed shall be accompanied by an additional copy conspicuously marked "Working Copy". *(Adopted January 1, 2007)*

### **Rule 5.12. Scheduling Calendar Dates**

Contacting the clerk to determine if a date is available is not sufficient to place a matter on calendar. The party seeking a setting must notice affected parties and the court. *(Adopted January 1, 2007)*

## CHAPTER 6: CRIMINAL CASE RULES

### Rule 6. Criminal Case Management

#### Rule 6.1. Disposition Goals.

The court endeavors to approximate criminal case disposition time consistent with the standards of Division 1, section 2.1 of the Standards of Judicial Administration Recommended by the Judicial Council. (Appendix to California Rules of Court) adopted pursuant to Government Code sections 68063 and 68020. It is the policy of the court to dispose of criminal matters as follows:

- (1) Misdemeanor Cases:
  - (a) 90 percent concluded within four weeks after arraignment.
  - (b) 95 percent concluded within six weeks after arraignment.
  - (c) 100 percent concluded not later than second scheduled trial setting period after arraignment.
- (2) Felony Cases:
  - (a) Preliminary Examinations
    - (i) 90 percent concluded within four weeks after arraignment.
    - (ii) 100 percent concluded or preliminary examination held within six weeks after arraignment.
  - (b) Trials
    - (i) 90 percent concluded within four weeks after arraignment on information.
    - (ii) 100 percent concluded not later than second scheduled trial setting period after arraignment on information.

*(Adopted January 1, 2007)*

## **Alpine County Superior Court Local Rules**

### **Rule 6.2. Filing of Accusatory Pleadings and Requests for Warrants**

**6.2.1.** The filing of accusatory pleadings shall include an original and one copy for each defendant. Accusatory pleadings in cases involving multiple defendants shall include all defendants in the caption of each pleading; in such cases each defendant will be the subject of separate filing and case number. *(Adopted January 1, 2007)*

**6.2.2.** Accusatory pleadings involving persons in custody shall be filed with the clerk at the earliest opportunity and, absent good cause, not later than two hours prior to such defendant's first appearance. At all hearings on felony matters with defendants in custody the District Attorney shall appear, which appearance may be by telephone if personal appearance is impractical. *(Adopted January 1, 2007)*

**6.2.3.** Accusatory pleadings involving persons not in custody, not including citations serving in lieu of complaints which are not directly filed with the court by the issuing law enforcement agency, shall be filed with the clerk at the earliest opportunity and in no event later than the third business day preceding the first scheduled appearance on those charges. Citations serving in lieu of complaints issuing through the District Attorney's office shall be filed not later than ten court days preceding the first scheduled appearance on those charges. *(Adopted January 1, 2007)*

**6.2.4.** Oral amendments and interlineations to accusatory pleadings once filed are disfavored; the District Attorney shall be prepared contemporaneously to file amended pleadings at such time as disposition or other proceeding requires. *(Adopted January 1, 2007)*

**6.2.5.** Written requests for arrest and/or search warrants shall first be presented to the District Attorney for review and approval before submission to the court, and otherwise will not be considered by a judge except on showing of exigent circumstances. All requests for arrest warrants shall include a request for bail in a specific amount and shall be accompanied by a proposed warrant with space for the judge to set the amount of bail. All requests for bail shall be accompanied by reference to the amount set in the Court's Bail Schedule for the particular offense(s), and requests for a bail differing from the schedule shall set forth the reasons for such request. *(Adopted January 1, 2007)*

## **Alpine County Superior Court Local Rules**

### **Rule 6.3. Hearings in Criminal Cases**

Hearings/conferences in criminal cases are principally

- (1) Arraignment
- (2) Bail Review
- (3) Demurrer
- (4) Combined deferred arraignment and pretrial (misdemeanor and infraction only)
- (5) Pre-trial Conference
- (6) Pre-preliminary Examination Conference
- (7) Deferred Entry of Judgment/Diversion/ Proposition 26
- (8) Motions
- (9) Trial Readiness and Management
- (10) Preliminary Examination.
- (11) Trial
- (12) Judgment and Sentence/Probation (including restitution)
- (13) Order to Show Cause re Probation Violation/Other
- (14) Review/Modification
- (15) Public Defender Repayment

*(Adopted January 1, 2007)*

### **Rule 6.4. Arraignment, Bail and Bail Review**

**6.4.1.** Except as otherwise provide herein, arraignment shall be completed and plea entered on the first day scheduled, whether such proceeding is on complaint or information. *(Adopted January 1, 2007)*

**6.4.2.** At the time of arraignment the District Attorney shall have determined preliminarily the eligibility of defendants for Deferred Entry of Judgment pursuant to Penal Code section 1000, diversion program pursuant to Penal Code section 1000.1, *et seq*, drug treatment pursuant to Penal Code section 1210-1210.1 (Prop. 36), and, if applicable, shall file a written statement of the defendant's status under such sections. *(Adopted January 1, 2007)*

**6.4.3.** Persons appearing without counsel shall file a Statement of Rights upon the calling of the matter. Such persons who desire to consult

## Alpine County Superior Court Local Rules

with and/or retain counsel before concluding arraignment shall, upon request and time waiver, be granted a reasonable continuance of arraignment for such purpose, not to exceed two weeks. *(Adopted January 1, 2007)*

**6.4.4.** Counsel appearing at arraignment shall have ascertained and discussed with defendants the charges, possible pleas and defenses, potential direct consequences of conviction, and constitutional and statutory rights, including those relevant to time limits. *(Adopted January 1, 2007)*

**6.4.5.** Pleas of not guilty entered at arraignment will be deemed to include reservation of right to demur or to make motions. Demurrers shall be filed so as to be heard not later than the third week following the first appearance, whether plea is entered or not; failure to so file and schedule shall be deemed waiver of right to demur. Time required for hearing of demurrers shall be excluded from the disposition time goals of section 6.1. *(Adopted January 1, 2007)*

**6.4.6.** Counsel appearing at arraignment, including combined arraignment/pre-trial conference pursuant to Rule 6.4.7, shall announce the following upon the calling of the case:

- (1) Name, and whether appearing for defendant who is absent or present, and defendant's custody, bail, or other out-of-custody status.
- (2) Defendant's true name.
- (3) Whether copy of complaint/information has been received or receipt is waived.
- (4) That counsel has advised defendant of the charges, possible pleas and defenses, potential direct consequences of conviction, and his/her constitutional and statutory rights, including those relevant to time limits.
- (5) Waiver of arraignment or request for arraignment by the court.
- (6) Plea(s) to be entered, or, reason none is to be entered.
- (7) Requested date(s) for pre-trial or pre-preliminary examination conference, preliminary examination, and/or trial pursuant to Rules 6.4.8 and 6.8.2. Preliminary examination shall be requested for not later than the second week following the pre-preliminary examination conference, and trial shall be requested for not later than the second trial session following the pre-trial conference.

## **Alpine County Superior Court Local Rules**

- (8) Whether time is waived generally, to a specific date, or not waived. Waiver of time for preliminary examinations shall include specific reference to both 10 and 60 day provisions of the Penal Code. Waiver of time for trial shall include specific reference to provisions of the Penal Code as applicable.
- (9) If not previously occurring, that arrangement for the defendant's booking has been made with the Alpine County Sheriff. Counsel shall advise the court of the defendant's booking status at the next hearing.

*(Adopted January 1, 2007)*

**6.4.7.** Unless defendant's appearance is required by law or otherwise ordered by the court, counsel may defer arraignment and request a combined arraignment/pre-trial conference on misdemeanors and infractions by letter, including FAX, received at least one court day prior to the hearing and demonstrating proof of service on the District Attorney. Upon appearing at combined deferred arraignment/pre-trial conference counsel shall first conduct arraignment pursuant to Rule 6.4.4. Such requests shall be construed as a binding commitment by counsel to representation of the defendant. Such requests shall be on letterhead stationary of the attorney and shall contain all of the following:

- (1) Statement of representation.
- (2) Identification of the matter by reference to caption and case number.
- (3) Defendant's true name.
- (4) Statement that counsel has advised defendant of the charges, possible pleas and defenses, potential direct consequences of conviction, and his/her constitutional and statutory rights, including those relevant to time limits.
- (5) Request for deferred arraignment to pre-trial conference and general waiver of time for trial. Waiver of time for trial shall include specific reference to provisions of the Penal Code as applicable.
- (6) Requested date(s) for combined deferred arraignment/pre-trial conference, and trial, pursuant to Rules 6.4.8 and 6.8.2, or request that trial setting be deferred until the conference.
- (7) If not previously occurring, that arrangement for the defendant's booking has been made with the Alpine County

## **Alpine County Superior Court Local Rules**

Sheriff. Counsel shall advise the court of the defendant's booking status at the next hearing.

(8) Acknowledgment of above and signature of defendant.

*(Adopted January 1, 2007)*

**6.4.8.** At arraignment, with general time waiver and request that trial or preliminary examination not then be set, the court will generally permit the parties to select the date for pre-trial or pre-preliminary examination conferences, not to exceed four weeks. Selection of dates should be made so as to permit necessary discovery, investigation, testing, and conferencing, to the end that pre-trial and pre-preliminary examination conferences are meaningful consistent with Rule 6.6.2. *(Adopted January 1, 2007)*

**6.4.9.** Requests by peace officers for higher bail than that set presumptively by the Alpine County Superior Court Bail Schedule shall comply with Penal Code section 1269c. All requests for deviation from the Bail Schedule for charged violent felony offenses, as defined in Penal Code section 667.5, shall occur pursuant to Penal Code section 1270.1. Bail review hearings on all felony matters shall occur only upon request made in open court or noticed motion. When a referral is made for bail review report by the Probation Department, the Department shall prepare a written report and recommendation which includes exposition of all factors mentioned in Penal Code section 1275 in sufficient detail fully to apprise the Court of the defendant's eligibility for bail or any recommended increase or reduction thereof. At bail review hearings the District Attorney and counsel for the defendant shall be prepared to provide the Court with all factors and evidence upon which their respective recommendations for bail are based. *(Adopted January 1, 2007)*

### **Rule 6.5 Discovery and Investigation**

**6.5.1.** Discovery is reciprocal and governed by Penal Code sections 1054-1054.7, and, to the extent not prohibited by or inconsistent with such sections, this Rule. *(Adopted January 1, 2007)*

**6.5.2.** Informal requests for discovery are deemed to occur at arraignment. *(Adopted January 1, 2007)*



## **Alpine County Superior Court Local Rules**

**6.5.3.** The District Attorney shall have the following discovery duties:

- (1) To have copies of all discoverable material available for delivery to the defense within two days after arraignment or receipt of letter request for deferred arraignment pursuant to Rule 6.4.7. To ascertain the existence of and acquire additional discoverable material and expeditiously to deliver same to counsel.
- (2) Prior to pre-trial or pre-preliminary examination conference to acquire necessary supporting documents when an accusatory pleading charges or alleges prior convictions.
- (3) At least two days prior to any hearing at which evidence is to be produced, including preliminary examinations, to deliver to the defense copies of all documentary evidence which is reasonably anticipated to be introduced at such proceeding.
- (4) If chemical or other scientific testing of evidence is reasonably necessary to proof of any charge the District Attorney shall have a duty to initiate such testing forthwith upon the failure of disposition at pre-trial or pre-preliminary conference.

*(Adopted January 1, 2007)*

**6.5.4.** Upon receiving discovery the defense forthwith shall identify and initiate such investigation, including independent acquisition of prior conviction records, interview of witnesses, retainer of experts, and chemical/scientific testing as is necessary and appropriate to case evaluation and as will permit meaningful pre-trial and/or pre-preliminary examination conference and timely preliminary examination and/or trial. *(Adopted January 1, 2007)*

**6.5.5.** Formal requests for discovery and meet and confer efforts to resolve disputes shall be made in writing prior to the bringing of a discovery motion, and each party shall attach his/her writings to any such motion or response. “Boilerplate” discovery motions are disfavored. *(Adopted January 1, 2007)*

## **Alpine County Superior Court Local Rules**

### **Rule 6.6. Pre-trial and Pre-preliminary Examination Conferences**

**6.6.1.** Pre-trial and pre-preliminary examination conferences shall be scheduled for the purpose of determining if a given matter may be subject to disposition by agreement of the parties and acceptance by the court prior to preliminary examination and/or trial. *(Adopted January 1, 2007)*

**6.6.2.** All persons appearing at a pre-trial or pre-preliminary examination conference shall be fully prepared to accomplish its purposes; discovery, investigation, negotiation, and consideration of disposition shall have been conducted sufficiently in advance to permit proceedings to be meaningful and efficient. Multiple pre-trial or pre-preliminary examination conferences are disfavored. *(Adopted January 1, 2007)*

**6.6.3.** Offers and negotiations for disposition between counsel and/or consideration of offers and negotiations by defendants occurring for the first time on the day of pre-trial or pre-preliminary examination conferences are disfavored. *(Adopted January 1, 2007)*

**6.6.4.** In the event negotiations prior to pre-trial and/or pre-preliminary conferences do not result in agreement for disposition, defendants shall be personally present at the conference notwithstanding Penal Code section 977, unless expressly excused by the court. Upon the calling of a matter at pre-preliminary examination or pre-trial conference, if counsel advise the court of new offers or other circumstances which require time for consideration the matter will be trailed until such time as the other regular business scheduled for that day will not be delayed. *(Adopted January 1, 2007)*

**6.6.5.** In felony cases, if disposition negotiation between the parties reaches impasse and the parties desire to confer with a judge in chambers, the court shall be notified in writing of the request at least one working day before the pre-preliminary examination or pre-trial conference or at least one week before trial; chambers conferences requested on the day scheduled for pre-preliminary examination or pre-trial conference are disfavored. In all matters, unless the court has accepted a negotiated disposition prior to the day scheduled for preliminary examination or trial, the parties shall be prepared to proceed with any such examination or trial. *(Adopted January 1, 2007)*

## **Alpine County Superior Court Local Rules**

**6.6.6.** In the event no disposition is achieved at pre-trial or pre-preliminary examination conference, trial or preliminary examination shall be scheduled. Dispositions after such conferences shall only be permitted by plea/admissions to all charges and allegations of the accusatory pleading, absent leave of court for good cause shown. (*Adopted January 1, 2007*)

### **Rule 6.7. Dispositive Pleas**

**6.7.1.** Notwithstanding the limitations of Penal Code sections 1192.5 and 1192.6 to felony offenses, the provisions of those sections shall apply also when a defendant enters a plea of guilty or no contest to any misdemeanor offense involving use of a weapon, the infliction of any injury, domestic violence, and/or aggravating facts subjecting the defendant to increased penalties (e.g. prior conviction).

(1) In all cases coming under this Rule in which a plea is conditioned upon the court's acceptance of a limitation on the punishment to be imposed the Defendant shall file a written statement of the terms of the conditional plea signed by the Defendant, his/her attorney, and signifying the approval of the District Attorney, which written statement shall be made a part of the record in the case, and District Attorney shall state in open court approval thereof.

(2) In all cases coming under this Rule in which charges contained in the original accusatory pleading are to be amended or dismissed, the District Attorney shall file a written statement explaining the reasons for the amendment or dismissal, which written statement shall be made a part of the record in the case.

(3) In all cases coming under this Rule in which the District Attorney seeks dismissal of a charge in a complaint, information, or indictment the District Attorney shall file a written statement explaining the specific reasons for the dismissal, which written statement shall be made a part of the record in the case, and also shall state those reasons in open court, on the record.

(4) In all cases coming under this Rule in which the District Attorney recommends what punishment the court should impose or how it should exercise any of the powers legally available to it, the District Attorney shall file a written statement explaining the specific reasons for the recommendation which written statement shall be made a part of the record in the case, and also shall state the specific reasons for

## **Alpine County Superior Court Local Rules**

the recommendation in open court and on the record; in felony cases, the District Attorney's statement made in open court and on the record shall be transcribed and made a part of the court file.  
(Adopted January 1, 2007)

**6.7.2.** In any case coming under Penal Code section 1192.7, and the District Attorney and Defendant propose a plea bargain to the court they shall file a joint written statement of the factors set forth in section 1192.7(a) which they assert permit the case to be excepted from the plea bargaining prohibition of section 1192.7. (Adopted January 1, 2007)

**6.7.3.** Pleas to all felonies and to misdemeanors offenses that subsequently may be charged as priors shall be accomplished by the contemporaneous filing of a fully executed relevant change of plea form. Counsel shall explain the entirety of the form to defendants and defendants shall be prepared to respond to inquiries from the court about the contents of the form and the intended plea. (Adopted January 1, 2007)

**6.7.4.** Pleas to offenses, whether charged and/or the subject of felony or misdemeanor plea, with special sentence consequences (e.g., drug or domestic violence programs, registration as drug or sex offender) shall be accomplished by the contemporaneous filing of a fully executed relevant change of plea form. Counsel shall explain the entirety of the form to defendants and defendants shall be prepared to respond to inquiries about the contents of the form and the intended plea. (Adopted January 1, 2007)

**6.7.5.** Pleas entered by counsel appearing pursuant to Penal Code section 977 shall be accomplished by the contemporaneous filing of fully executed change of plea form and such other relevant writings as mentioned in these Rules. (Adopted January 1, 2007)

**6.7.6.** Pleas pursuant to People v. West, 3 Cal.3d 595, are permitted only if accompanied by a written statement of factual basis or reference to specific documentary evidence supporting the plea, consistent with People v. Holmes, 32 Cal.4<sup>th</sup> 432, and the defendant's acknowledgment that such plea will result in a finding of his/her guilt and no different consideration than if he/she were to have plead guilty or been found guilty after trial; such written statements shall be signed by the defendant, his/her attorney, and the District

## **Alpine County Superior Court Local Rules**

Attorney. Pleas pursuant to *Alford v. North Carolina*, 400 U.S. 25, are not permitted. (*Adopted January 1, 2007*)

**6.7.7.** Pleas with waivers pursuant to *People v. Harvey*, 25 Cal.3d 754, are permitted only if accompanied by a written statement identifying the dismissed counts or charges to which such waiver does and does not apply; such written statements shall be signed by the defendant, his/her attorney, and the District Attorney. (*Adopted January 1, 2007*)

### **Rule 6.8. Criminal Trials**

**6.8.1.** Within 14 days prior to a scheduled trial a Trial Readiness and Management Conference which will include preliminary consideration of all motions in limine, proposed voir dire, proposed jury instructions and verdict form, and trial management issues. All parties shall file with the court and serve on all other parties 10 days prior to that conference a Trial Readiness and Management Conference Statement including the material mentioned next above, list of anticipated witnesses each expects to call, time estimate of the party's case in chief (including anticipated cross-examination), and list and copy of all exhibits. Matters deemed privileged by constitutional or statutory provisions may be submitted under seal. Counsel shall be familiar with the provisions of sections 8.5 and 8.9 of the Standards of Judicial Administration in connection with voir dire. (*Adopted January 1, 2007*)

**6.8.2.** Criminal trials which are not subject to time constraints as a result of an appropriate waiver of time by the defendant will be scheduled for a regular trial session, not to exceed two sessions in the future. (*Adopted January 1, 2007*)

**6.8.3.** Multiple cases set for the same trial period will proceed in the following order: cases in which no time waiver has been given ahead of all others, in-custody defendants ahead of others, felonies ahead of misdemeanors, and then to cases based on earliest filing date. The court will endeavor to establish an order in which cases will proceed at least one week prior to the first day of the trial period. (*Adopted January 1, 2007*)

**6.8.4.** If multiple cases are set for the same trial period, any not immediately proceeding will be ordered to trail day-to-day. All parties shall monitor the progress of cases in trial and be prepared to proceed on one-half

## **Alpine County Superior Court Local Rules**

day notice. Trailing cases are subject to being advanced and/or the order of trailing changed in the event of disposition of earlier set cases, or upon order of the court. *(Adopted January 1, 2007)*

**6.8.5.** Unless the court orders otherwise, on the first day of a scheduled trial counsel and defendants shall appear at 8:15 a.m. *(Adopted January 1, 2007)*

**6.8.6.** Counsel shall have made sufficient arrangements for the appearance of witnesses that progress of trial is not delayed. *(Adopted January 1, 2007)*

**6.8.7.** Counsel shall insure that the prospective jury pool and jury selected are not contaminated by contact with counsel, defendants, or witnesses when in or about the courthouse or otherwise. *(Adopted January 1, 2007)*

**6.8.8.** All pre-trial motions, other than motions in limine, shall be filed as set for hearing at least one week prior to the Trial Readiness and Management Conference. *(Adopted January 1, 2007)*

### **Rule 6.9 Continuances; Special Appearances**

**6.9.1.** Continuances frustrate the disposition goals and orderly processes of the court and are disfavored. However, in consideration of the court's remote location, it is the policy of the court reasonably to accommodate unavoidable conflicting commitments of counsel and defendants. Scheduling of continued matters shall be consistent with the regular calendars of the court and once set will be so heard absent good cause arising from unforeseen circumstances beyond a party's control. Routine requests to move matters from one calendar to another are disfavored. Conflicts arising after the scheduling of a given matter generally shall not constitute good cause. *(Adopted January 1, 2007)*

**6.9.2.** Motions to continue which fail to comply with Penal Code section 1050 and particular applicable statutes and California Rules of Court, including those pertaining to preliminary examinations, are disfavored. Those seeking a continuance shall present affirmative proof of good cause for and that the ends of justice require a continuance, including but not

## **Alpine County Superior Court Local Rules**

limited to showing why the circumstance upon which the motion is based could not be resolved without continuing the matter and/or arose from unforeseen circumstances beyond a party's control. A stipulation alone will not constitute grounds for any continuance, should not be relied upon without court order, but may be presented as part of a motion. Such motions shall state the other party's position on the issue. Any motion to continue shall be accompanied by a proposed order with provision for both grant and denial of the motion. (*Adopted January 1, 2007*)

**6.9.3.** Special appearances by one attorney for another in criminal matters are disfavored, and no such appearances shall be permitted without the prior approval of the court. Any such request shall include a showing of good cause arising from unforeseen circumstances beyond counsel's control. Conflicts arising after the scheduling of a given matter generally shall not constitute good cause. (*Adopted January 1, 2007*)

### **Rule 6.10 Judgment & Sentencing/Probation**

**6.10.1.** Judgment & Sentence/Probation shall follow promptly entry of plea or verdict of guilty; immediate sentencing may occur in the absence of probation report upon stipulation of the parties, waiver of time by the defendant, and approval by the court. Unless otherwise ordered by the court, Judgment & Sentencing/Probation hearings requiring probation reports or pursuant to time waiver by defendant shall be held not later than the fourth week following plea or verdict. (*Adopted January 1, 2007*)

**6.10.2.** Orders for service of time in county jail are satisfied by custody in El Dorado County pursuant to cooperative agreement with Alpine County. Defendants appearing for Judgment & Sentence/Probation shall be prepared to be remanded into custody in the event such is ordered by the court. Delayed self-surrender is disfavored and shall be permitted only upon a showing of good cause and when accompanied by the defendant's acknowledgment of the principles of and waiver pursuant to *People v. Cruz*, 44 Cal.3d 1247, and *People v. Masloski*, 25 Cal.4th 1212. Requests for weekend time in custody shall be accompanied by specific dates, time, and place of self-surrender and be accompanied by similar Cruz/Masolski acknowledgment and waiver. (*Adopted January 1, 2007*)

## **Alpine County Superior Court Local Rules**

**6.10.3.** When Sheriff's work program and/or community work service conditions of probation are to be proposed, counsel/defendants shall have conferred with the Probation Officer prior to the hearing and be prepared to advance specific proposals for place, duration, and date of completion; such programs shall be completed in Alpine County and under the supervision of the Probation Officer unless otherwise ordered by the court and any cost thereof shall be the defendant's responsibility. Requests for home electronic monitoring shall be accompanied by identification of monitoring entity and any cost thereof shall be the defendant's responsibility. *(Adopted January 1, 2007)*

**6.10.4.** Defendants appearing for Judgment & Sentence/Probation when out-patient or in-patient counseling or attendance at similar programs is to be proposed shall have previously made contact with the proposed provider and be prepared to identify with specificity the counseling or program to which referral may be made and the duration and date of completion and unless otherwise required by law, and any cost thereof shall be the defendant's responsibility. *(Adopted January 1, 2007)*

**6.10.5.** Judgment & Sentence/Probation on misdemeanors may occur in the defendant's absence only pursuant to Penal Code section 977 (a)(1), and (2), in which event the appearing attorney shall within 10 days thereafter file with the clerk a Judgment & Sentence/Probation Order signed and dated by the defendant. The effective date of such Orders shall be that upon which the Order is made. *(Adopted January 1, 2007)*

**6.10.6.** When directed by the court, the Probation Officer shall conduct investigations and render reports pursuant to Penal Code section 1203.10 and California Rules of Court 4.411, 4.411.5. Misdemeanor reports may be summary, as by letter, or given orally, unless otherwise ordered by the court. *(Adopted January 1, 2007)*

**6.10.7.** When a judgment of imprisonment may be imposed under a statute specifying three possible terms, statements in mitigation or aggravation of a determinate sentence shall comply with Penal Code section 1170 (b) and California Rules of Court 4.437. Oral motions in aggravation or mitigation are not permitted. *(Adopted January 1, 2007)*

**6.10.8.** Prior to Judgment & Sentence/Probation the District Attorney, Probation Officer, and defendant have conferred to determine the actual days



## **Alpine County Superior Court Local Rules**

in custody the defendant has served and all credits to which he/she is entitled; in the absence of consensus each party shall be prepared to document his/her position. *(Adopted January 1, 2007)*

### **Rule 6.11. Working Copies of Motion Pleadings, Pretrial Management Conference Statements, Trial Briefs**

Any pleading consisting of eight or more pages, inclusive of attachments, when filed shall be accompanied by an additional copy conspicuously marked “Working Copy”. *(Adopted January 1, 2007)*

## Alpine County Superior Court Local Rules

### SUBJECT INDEX

Access .....	7	Failure to File.....	14
Amendment.....	14	Fairness .....	7
Arraignment .....	21	Felony .....	19
Attire .....	11	General Matters .....	8
attorney .....	12, 31	Hearings.....	21
Calendar Dates .....	18	Investigation .....	24
Case Management... 13, 14, 15, 16,		judicial system .....	7
19		Jury Trial.....	10, 17
Chamber of Commerce.....	6	juvenile .....	10, 15
Citation of Rules .....	6	Misdemeanor .....	19
Civil Case.....	13	Pleadings..... 13, 14, 18, 20, 33	
clerk's office .....	10	Pleas .....	22, 28, 29
Construction of Rules .....	6	Proposed Orders .....	15
Continuances.....	30	Reacting to proceedings.....	12
counsel 7, 8, 10, 12, 17, 18, 21, 22,		References to Court .....	6
23, 25, 26, 28, 29, 30, 31		Scope.....	13
Court Reporters.....	10	self-represented persons .....	8, 12
Discovery .....	24	Sessions.....	8, 9, 10
Disposition .....	19	Setting Cases.....	16
Ex Parte Application .....	10	Settlement Conferences .....	16
Examination .....	21, 26	Talking in the courtroom .....	11
Facsimile Filings.....	11	Trials .....	16, 19
Failure to Comply .....	7	Use of the courtroom .....	12